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OFFICE OF PETITIONS

In re Application of :
Bencuya :
Application No.: 10/016,713 :
Filed: November 2, 2001 :
Attorney Docket No. 0190104 :
FOR: METHOD AND ARTICLE OF :
MANUFACTURE FOR MICRO-LENS :
RESULTING FROM MULTI-STAGE :
FABRICATION TECHNIQUE :

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on November 7, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed March 22, 2005, which set a period for reply of three (3) months. Having received no extensions of time under 37 CFR 1.136(a) and having received no reply, the Office considered the application abandoned on June 23, 2005. A Notice of Abandonment was mailed on October 31, 2005.

Petitioner alleges that the March 22, 2005 non-final Office action was not received at the proper correspondence address of record until a copy was mailed at petitioner's request, **after** petitioner received a Notice of Abandonment. Therefore, petitioner argues that the application is not really abandoned. The undersigned finds this assertion completely convincing because the Office action in question was mailed to an incorrect address. The record shows that a change in correspondence was filed in the above-identified application on December 9, 2004. The Office processed this request. However, the December 9, 2004 change in correspondence address was filed by an attorney not of record in the application. The Office should not have processed the

December 9, 2004 request. In short, the March 22, 2005 non-final Office action was mailed to an address other than the correspondence address of record.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to Technology Center AU 2823 for consideration of the amendment filed with the instant petition on November 7, 2005.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first name "E." and last name "Willis" clearly distinguishable.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions